



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Approving Addendum to the Improvement Agreement for Public Improvements at 856 North Sacramento Street to Provide One-Year Time Extension

**MEETING DATE:** May 16, 2007

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt a resolution approving the Addendum to the Improvement Agreement to provide one-year time extension for the Public Improvements at 856 North Sacramento Street and authorizing the City Manager and City Clerk to execute the agreement on behalf of the City.

**BACKGROUND INFORMATION:** The developer, Emile Atwood, has applied for a building permit to construct an office/retail building at 856 North Sacramento Street. Public improvements, including curb, gutter, sidewalk and miscellaneous storm drainage improvements, are part of the off-site improvement requirement, as specified in LMC Chapter 15.44. The developer executed an improvement agreement for the required public improvements in June 2006. Under the terms of the improvement agreement, the developer had 365 days from the date of the agreement execution to complete the public improvements. As a condition of the building permit, all public improvements must be completed prior to occupancy.

The public improvements have not been completed as of this date, due to financial constraints on the part of the developer. The developer desires to comply with the requirements of the agreement and is requesting a time extension for completion of the public improvements. Staff feels this is a reasonable request and is recommending a one-year extension for the public improvements as specified under the terms of the original improvement agreement. The addendum also specifies that the developer pay all the additional costs of the document preparation (\$548) and provide the necessary contract security and insurance under the terms of the original agreement.

The developer has executed the agreement and paid the additional fees. Staff is recommending that Council approve the Addendum to the Improvement Agreement for the Public Improvements at 856 North Sacramento Street and authorize the City Manager and City Clerk to execute the agreement on behalf of the City

**FISCAL IMPACT:** There will be no financial impact to the City.

**FINANCING AVAILABLE:** Not applicable.

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Richard C. Prima, Jr.  
Public Works Director

Prepared by Lyman Chang, Associate Civil Engineer  
RCP/LC/pmf  
cc: Emile Atwood  
Associate Civil Engineer, Chang

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

When Recorded, Please Return to:  
Lodi City Clerk  
P.O. Box 3006  
Lodi, CA 95241-1910

RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING THE IMPROVEMENT AGREEMENT  
ADDENDUM FOR PUBLIC IMPROVEMENTS AT 856  
NORTH SACRAMENTO STREET

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WHEREAS, the developer, Emile Atwood, has applied for a building permit to construct an office/retail building at 856 North Sacramento Street. Public improvements, including curb, gutter, sidewalk, and miscellaneous storm drainage improvements are a part of the off-site improvement requirement, as specified in Lodi Municipal Code Chapter 15.44; and

WHEREAS, the developer executed an improvement agreement for the required public improvements in June 2006 and, pursuant to the terms thereof, the developer had 365 days from the date of the agreement execution to complete the public improvements. As a condition of the building permit, all public improvements must be completed prior to occupancy; and

WHEREAS, the public improvements have not been completed as of this date due to financial constraints on the part of the developer. The developer desires to comply with the requirements of the agreement and is requesting a time extension for completion of the public improvements, and staff therefore recommends a one-year extension for the public improvements as specified under the terms of the original improvement agreement; and

WHEREAS, the addendum also specifies that the developer pay all the additional costs of the document preparation (\$548) and provide the necessary contract security and insurance for the terms of the original agreement; and

WHEREAS, the developer has executed the agreement and paid the additional fees, and staff recommends that the City Council approve the Addendum to the Improvement Agreement for the Public Improvements at 856 North Sacramento Street and authorize the City Manager to execute the agreement on behalf of the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds:

1. That the Addendum to the Improvement Agreement for the Public Improvements at 856 North Sacramento Street is hereby approved, and further that the City Manager is authorized to execute said Addendum on behalf of the City of Lodi.

Dated: May 16, 2007

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I hereby certify that Resolution No. 2007-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 16, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2007-\_\_\_\_\_